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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।
Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 15th December, 1986/Agrahayana 24, 1908 (Saka)

The following Act of Parliament received the assent of the President on the 15th December, 1986, and is hereby published for general information:—

THE COAL MINES NATIONALISATION LAWS (AMENDMENT) ACT, 1986

No. 57 OF 1986

[*15th December, 1986*]

An Act further to amend the Coking Coal Mines (Nationalisation) Act, 1972 and the Coal Mines (Nationalisation) Act, 1973.

BE it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Coal Mines Nationalisation Laws (Amendment) Act, 1986.

36 of 1972. 26 of 1973.

(2) Save as otherwise expressly provided, the amendments to the Coking Coal Mines (Nationalisation) Act, 1972 shall be deemed to have come into force on the 1st day of May, 1972 and the amendments to the Coal Mines (Nationalisation) Act, 1973 shall be deemed to have come into force on the 1st day of May, 1973 and the remaining provisions of this Act shall be deemed to have come into force on the 7th day of October, 1986.

Amendment of section 4.

2. (1) In section 4 of the Coking Coal Mines (Nationalisation) Act, 1972 (hereinafter referred to as the Coking Coal Act), sub-section (2) shall be omitted, and shall be deemed to have been omitted with effect from the 1st day of June, 1972. 36 of 1972.

(2) The omission of sub-section (2) of section 4 of the Coking Coal Act by sub-section (1) of this section shall not affect the previous operation of the provisions of the said sub-section (2) or anything duly done or suffered thereunder.

Amendment of section 6.

3. In section 6 of the Coking Coal Act,—

(a) in sub-section (1),—

(i) for the words "as if a mining lease", the words "as if a fresh mining lease" shall be substituted;

(ii) for the words "being the entire period", the words "shall be the maximum period" shall be substituted;

(b) in sub-section (2), the words ", on the same terms and conditions on which the lease was held on the appointed day," shall be omitted.

Amendment of section 10.

4. Section 10 of the Coking Coal Act shall be renumbered as sub-section (1) thereof, and after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:—

"(2) For the removal of doubts, it is hereby declared that the amount specified in the fifth column of the First Schedule against any coking coal mine or group of coking coal mines specified in the second column of the said Schedule and required to be given by the Central Government to its owner under sub-section (1) shall be deemed to include, and deemed always to have included, the amount required to be paid to such owner in respect of all coal in stock or other assets referred to in clause (j) of section 3 on the date immediately before the appointed day and no further amount shall be payable to the owner in respect of such coal or other assets.".

Amendment of section 11.

5. Section 11 of the Coking Coal Act shall be renumbered as sub-section (1) thereof, and after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:—

"(2) For the removal of doubts, it is hereby declared that the amount specified in the fifth column of the Second Schedule against any coke oven plant specified in the second column of the said Schedule and required to be given by the Central Government to its owner under sub-section (1) shall be deemed to include, and deemed always to have included, the amount required to be paid to such owner in respect of all coke in stock or other assets referred to in clause (b) of section 3 on the date immediately before the appointed day and no further amount shall be payable to the owner in respect of such coke or other assets.".

Substitution of new section for section 17.

6. For section 17 of the Coking Coal Act, the following section shall be substituted, namely:—

14 of 1947.

"17. Notwithstanding anything contained in the Industrial Disputes Act, 1947 or in any other law for the time being in force, the services of any officer or other employee employed in a coking coal mine or coke oven plant shall be liable to be transferred to any other coking coal mine or coke oven plant and such transfer shall not entitle such officer or other employee to any compensation under this Act or any other law for the time being in force and no such claim shall be entertained by any court, tribunal or other authority.".

Liability of officer or other employee of a coking coal mine or coke oven plant for transfer to any other coking coal mine or coke oven plant.

7. In section 21 of the Coking Coal Act,—

Amendment of section 21.

(*a*) in sub-section (*2*), the words, figures and letters ", and simple interest at the rate of four per cent. per annum on such amount for the period commencing on the 1st day of April, 1973 and ending on the date of payment of such amount to the Commissioner" shall be inserted at the end;

(*b*) in sub-section (*5*), the words, brackets and figure "and shall also be payable to the Commissioner in addition to the sum referred to in sub-section (*1*)" shall be inserted at the end.

8. In section 22 of the Coking Coal Act,—

Amendment of section 22.

(*a*) for sub-section (*4*), the following sub-section shall be substituted, namely:—

"(*4*) The liabilities of the coking coal mine or the coke oven plant (not being liabilities arising out of advances made by the Central Government or the Government company), which could not be discharged by the appointed day, may be discharged by the Central Government or the Government company up to the specified date out of the realisations effected before or after the appointed day or out of advances or borrowings made up to the specified date and every payment so made shall be included in the statement of accounts as on the date immediately before the appointed day indicating therein the period in relation to which the payments were made and the payments so made shall not be called in question in any court:

Provided that the liabilities in relation to the period prior to the appointed day, which have not been discharged on or before the specified date, shall be the liabilities of the owner of the coking coal mine or the coke oven plant, as the case may be.";

(*b*) after sub-section (*7*), the following sub-section and *Explanation* shall be inserted, namely:—

'(*8*) The statement of accounts audited under sub-section (*6*) shall, unless the contrary is proved, be conclusive proof in respect of every matter entered therein.

Explanation.—For the purposes of this section, "statement of accounts" means a statement in the form of receipts and

payments, and does not include any statement that may be prepared as a result of the closing and balancing of the books for the preparation of the profit and loss account and balance-sheet or any statement prepared in accordance with the normal commercial practice.'.

Substitution of new section for section 25.

9. For section 25 of the Coking Coal Act, the following section shall be substituted, namely:—

Recovery of excess payments made by Central Government or Custodian.

'25. Any amount in excess of payments over receipts in the statement of accounts prepared under section 22 shall be deemed to be an amount advanced by the Central Government or the Custodian, as the case may be, for the management of a coking coal mine or a coke oven plant during the period in which the management of such mine or plant remained vested in the Central Government and the Central Government may make a claim to the Commissioner for such excess payment and such claim shall have priority over the claims of all other unsecured creditors of the coking coal mine or coke oven plant.

Explanation.—In this section, "Custodian" means the Custodian appointed under the Coking Coal Mines (Emergency Provisions) Act, 1971.'. 64 of 1971.

Amendment of section 26.

10. In section 26 of the Coking Coal Act, after sub-section (2) and before the *Explanation*, the following sub-section shall be inserted, namely:—

"(3) Where the amount specified in the fifth column of the First Schedule is relatable to a group of coking coal mines, the Commissioner shall have power to apportion such amount among the owners of such group, and in making such apportionment, the Commissioner shall have regard to the highest annual production in the coking coal mine during the three years immediately preceding the appointed day.".

Amendment of section 3.

11. (1) In section 3 of the Coal Mines (Nationalisation) Act, 1973, (hereinafter referred to as the Coal Mines Act),— 26 of 1973.

(a) sub-section (2) shall be omitted, and shall be deemed to have been omitted with effect from the 1st day of June, 1973;

(b) in sub-section (4), the words, brackets and figures ", notwithstanding anything contained in sub-section (2), or in the proviso to sub-section (2) of section 3 of the Coal Mines (Taking Over of Management) Act, 1973," shall be omitted; 15 of 1973.

(c) after sub-section (4), the following sub-section shall be inserted, namely:—

"(5) If, after the appointed day, the Central Government is satisfied, whether from any information received by it or otherwise, that there has been any error, omission or misdescription in relation to the particulars of a coal mine included in the Schedule or the name and address of the owner of any such coal mine, it may, by notification, correct such error, omission or misdescription and on the issue of such notification, the relevant entries

in the Schedule shall be, and shall be deemed always to have been, corrected accordingly:

Provided that no such correction in relation to the ownership of a coal mine shall be made where such ownership is in dispute.".

(2) The omission of sub-section (2) of section 3 of the Coal Mines Act by clause (*a*) of sub-section (*1*) of this section shall not affect the previous operation of the provisions of the said sub-section (2) or anything duly done or suffered thereunder.

Amendment of section 4.

12. In section 4 of the Coal Mines Act,—

(*a*) in sub-section (*1*),—

(*i*) for the words "as if a mining lease", the words "as if a fresh mining lease" shall be substituted;

(*ii*) for the words "the entire period", the words "the maximum period" shall be substituted;

(*b*) in sub-section (2), the words ", on the same terms and conditions on which the lease was held, immediately before the appointed day," shall be omitted.

Amendment of section 8.

13. Section 8 of the Coal Mines Act shall be renumbered as sub-section (*1*) thereof, and after sub-section (*1*) as so renumbered, the following sub-section shall be inserted, namely:—

"(2) For the removal of doubts, it is hereby declared that the amount specified in the fifth column of the Schedule against any coal mine or group of coal mines specified in the second column of the said Schedule and required to be given by the Central Government to its owner under sub-section (*1*) shall be deemed to include, and deemed always to have included, the amount required to be paid to such owner in respect of all coal in stock or other assets referred to in clause (*h*) of section 2 on the date immediately before the appointed day and no further amount shall be payable to the owner in respect of such coal or other assets.".

Substitution of new section for section 14.

14. For section 14 of the Coal Mines Act, the following section shall be substituted, namely:—

Liability of officer or other employee of a coal mine for transfer to any other coal mine.

"14. Notwithstanding anything contained in the Industrial Disputes Act, 1947, or in any other law for the time being in force, the services of any officer or other employee employed in a coal mine shall be liable to be transferred to any other coal mine and such transfer shall not entitle such officer or other employee to any compensation under this Act or any other law for the time being in force and no such claim shall be entertained by any court, tribunal or other authority.".

14 of 1947.

Amendment of section 18.

15. In section 18 of the Coal Mines Act,—

(*a*) in sub-section (*2*), the words, figures and letters ", and simple interest at the rate of four per cent. per annum on such amount for the period commencing on the 1st day of July, 1975 and ending on the date of payment of such amount to the Commissioner" shall be inserted at the end;

(*b*) in sub-section (*5*), the words, brackets and figure "and shall also be payable to the Commissioner in addition to the sum referred to in sub-section (*1*)" shall be inserted at the end.

Amendment of section 19.

16. In section 19 of the Coal Mines Act,—

(*a*) for sub-section (*4*), the following sub-section shall be substituted, namely:—

"(*4*) The liabilities of the coal mine (not being liabilities arising out of advances made by the Central Government or the Government company), which could not be discharged by the appointed day, may be discharged by the Central Government or the Government company up to the specified date out of the realisations effected before or after the appointed day or out of advances or borrowings made up to the specified date and every payment so made shall be included in the statement of accounts as on the date immediately before the appointed day indicating therein the period in relation to which the payments were made and the payments so made shall not be called in question in any court:

Provided that the liabilities in relation to the period prior to the appointed day, which have not been discharged on or before the specified date, shall be the liabilities of the owner of the coal mine.";

(*b*) after sub-section (*7*), the following sub-section and *Explanation* shall be inserted, namely:—

'(*8*) The statement of accounts audited under sub-section (*6*) shall, unless the contrary is proved, be conclusive proof in respect of every matter entered therein.

Explanation.—For the purposes of this section, "statement of accounts" means a statement in the form of receipts and payments, and does not include any statement that may be prepared as a result of the closing and balancing of the books for the preparation of the profit and loss account and balance-sheet or any statement prepared in accordance with the normal commercial practice.'.

Substitution of new section for section 25.

17. For section 25 of the Coal Mines Act, the following section shall be substituted, namely:—

Recovery of excess payments

'25. Any amount in excess of payments over receipts in the statement of accounts prepared under section 19 shall be deemed to be an amount advanced by the Central Government or the Custodian,

as the case may be, for the management of a coal mine during the period in which the management of such coal mine remained vested in the Central Government and the Central Government may make a claim to the Commissioner for such excess payment and such claim shall have priority over the claims of all other unsecured creditors of the coal mine, including those referred to in sub-section (2) of section 22. made by Central Government or Custodian.

Explanation.—In this section, "Custodian" means the Custodian appointed under the Coal Mines (Taking Over of Management) Act, 1973.'. 15 of 1973.

18. In section 26 of the Coal Mines Act, after sub-section (5) and before the *Explanation*, the following sub-section shall be inserted, namely:— Amendment of section 26.

"(6) Where the amount specified in the fifth column of the Schedule is relatable to a group of coal mines, the Commissioner shall have power to apportion such amount among the owners of such group, and in making such apportionment, the Commissioner shall have regard to the highest annual production in the coal mine during the three years immediately preceding the appointed day.".

19. Notwithstanding any judgment, decree, order or direction of any court to the contrary— Validation.

(*a*) every amount paid to the owner of every coking coal mine or group of coking coal mines under section 10, or of every coke oven plant under section 11, of the Coking Coal Act, or to the owner of every coal mine or group of coal mines under section 8 of the Coal Mines Act (hereafter in either case referred to as the owner), shall be deemed to include and be deemed always to have included, the amounts required to be paid to the owner in respect of the coal in stock or other assets, coke in stock or other assets, referred to in clause (*j*), or clause (*b*), of section 3 of the Coking Coal Act or, as the case may be, coal in stock or other assets referred to in clause (*h*) of section 2 of the Coal Mines Act, on the date immediately before the appointed day as if the provisions of section 10, or section 11, of the Coking Coal Act or, as the case may be, section 8 of the Coal Mines Act, as amended by this Act, had been in force at all material times, and no such payment shall be called in question in any court on the ground that it had not included the value of such coal or coke or other assets;

(*b*) every statement of accounts or supplementary statement of accounts prepared by the Central Government or the Government company under section 22 of the Coking Coal Act or under section 19 of the Coal Mines Act, shall be deemed to have been validly prepared as if the provisions of section 22 of the Coking Coal Act or, as the case may be, section 19 of the Coal Mines Act, as amended by this Act, had been in force at all material times, and no such statement of accounts or supplementary statement of accounts shall be called in question in any court on the ground that it had not been prepared in accordance with the normal commercial practice or that any item has or has not been included in such statement,

and accordingly, no suit or other legal proceeding shall be maintained or continued in any court—

(*i*) for the recovery of any sum on the ground that the amount paid to the owner under section 10 or section 11 of the Coking Coal Act or under section 8 of the Coal Mines Act, does not include the amounts required to be paid in respect of all coal or coke in stock or other assets referred to in clause (*a*); or

(*ii*) for the recovery of any sum as being the excess of receipts over payments on the ground that the statement of accounts or supplementary statement of accounts required to be prepared under section 22 of the Coking Coal Act or, as the case may be, section 19 of the Coal Mines Act, had not been prepared in accordance with the normal commercial practice or that any item has or has not been included in such statement.

Explanation.—In this section,—

(*a*) "appointed day" means,—

(*i*) in relation to the Coking Coal Act, the 1st day of May, 1972; and

(*ii*) in relation to the Coal Mines Act, the 1st day of May, 1973;

(*b*) "receipts" and "payments" mean receipts and payments in the statement of accounts prepared under section 22 of the Coking Coal Act or, as the case may be, section 19 of the Coal Mines Act.

Repeal and saving.

20. (*1*) The Coal Mines Nationalisation Laws (Amendment) Ordinance, 1986, is hereby repealed. Ord. 7 of 1986

(*2*) Notwithstanding such repeal, anything done or any action taken under the Coking Coal Act or the Coal Mines Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the Coking Coal Act or, as the case may be, the Coal Mines Act, as amended by this Act.

S. RAMAIAH,

Secy. to the Govt. of India.

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